

Senate Study Bill 1338

SENATE/HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
APPROPRIATIONS BILL BY
JOINT APPROPRIATIONS
SUBCOMMITTEE ON JUSTICE
SYSTEM)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to and making appropriations to the justice
2 system.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1131JB 82
5 jm/je/5

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1 1 Section 1. DEPARTMENT OF JUSTICE.
1 2 1. There is appropriated from the general fund of the
1 3 state to the department of justice for the fiscal year
1 4 beginning July 1, 2007, and ending June 30, 2008, the
1 5 following amounts, or so much thereof as is necessary, to be
1 6 used for the purposes designated:
1 7 a. For the general office of attorney general for
1 8 salaries, support, maintenance, miscellaneous purposes
1 9 including the prosecuting attorneys training program, victim
1 10 assistance grants, office of drug control policy (ODCP)
1 11 prosecuting attorney program, odometer fraud enforcement, and
1 12 for not more than the following full-time equivalent
1 13 positions:
1 14 \$ 8,967,205
1 15 FTEs 225.50
1 16 It is the intent of the general assembly that as a
1 17 condition of receiving the appropriation provided in this
1 18 lettered paragraph, the department of justice shall maintain a
1 19 record of the estimated time incurred representing each agency
1 20 or department.
1 21 b. For victim assistance grants:
1 22 \$ 100,000
1 23 The funds appropriated in this lettered paragraph shall be
1 24 used to provide grants to care providers providing services to
1 25 crime victims of domestic abuse or to crime victims of rape
1 26 and sexual assault.
1 27 The balance of the victim compensation fund established in
1 28 section 915.94 may be used to provide salary and support of
1 29 not more than 22 FTEs and to provide maintenance for the
1 30 victim compensation functions of the department of justice.
1 31 As a condition of receiving the appropriation in this
1 32 subsection, the department of justice shall transfer at least
1 33 \$3,200,000 from the victim compensation fund established in
1 34 section 915.94 to the victim assistance grant program.
1 35 c. For legal services for persons in poverty grants as
2 1 provided in section 13.34:
2 2 \$ 1,200,000
2 3 Of the amount appropriated in this paragraph, \$50,000 shall
2 4 be used by the attorney general to establish a pilot project
2 5 with a nonprofit agency in the sixth judicial district that
2 6 focuses primarily on the representation of children in
2 7 dissolution of marriage proceedings. The nonprofit agency
2 8 shall be an agency that provides a support group for
2 9 school-aged children whose parents are involved in a
2 10 dissolution of marriage proceeding and shall provide an
2 11 alternative dispute resolution family coordinator for families
2 12 where one parent has contemplated filing a petition for
2 13 dissolution of marriage or has filed such a petition. The
2 14 nonprofit agency shall provide a report to the attorney
2 15 general on the number of children and families served under
2 16 the pilot project and any other measures used to determine the

2 17 success of the pilot project.

2 18 d. For the purpose of funding farm mediation services and

2 19 other farm assistance program provisions in accordance with

2 20 sections 13.13 through 13.24:

2 21 \$ 100,000

2 22 2. a. The department of justice, in submitting budget

2 23 estimates for the fiscal year commencing July 1, 2008,

2 24 pursuant to section 8.23, shall include a report of funding

2 25 from sources other than amounts appropriated directly from the

2 26 general fund of the state to the department of justice or to

2 27 the office of consumer advocate. These funding sources shall

2 28 include but are not limited to reimbursements from other state

2 29 agencies, commissions, boards, or similar entities, and

2 30 reimbursements from special funds or internal accounts within

2 31 the department of justice. The department of justice shall

2 32 also report actual reimbursements for the fiscal year

2 33 commencing July 1, 2006, and actual and expected

2 34 reimbursements for the fiscal year commencing July 1, 2007.

2 35 b. The department of justice shall include the report

3 1 required under paragraph "a", as well as information regarding

3 2 any revisions occurring as a result of reimbursements actually

3 3 received or expected at a later date, in a report to the co-

3 4 chairpersons and ranking members of the joint appropriations

3 5 subcommittee on the justice system and the legislative

3 6 services agency. The department of justice shall submit the

3 7 report on or before January 15, 2008.

3 8 Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is

3 9 appropriated from the general fund of the state to the office

3 10 of consumer advocate of the department of justice for the

3 11 fiscal year beginning July 1, 2007, and ending June 30, 2008,

3 12 the following amount, or so much thereof as is necessary, to

3 13 be used for the purposes designated:

3 14 For salaries, support, maintenance, miscellaneous purposes,

3 15 and for not more than the following full-time equivalent

3 16 positions:

3 17 \$ 2,985,115

3 18 FTEs 27.00

3 19 Sec. 3. DEPARTMENT OF CORRECTIONS == FACILITIES.

3 20 1. There is appropriated from the general fund of the

3 21 state to the department of corrections for the fiscal year

3 22 beginning July 1, 2007, and ending June 30, 2008, the

3 23 following amounts, or so much thereof as is necessary, to be

3 24 used for the purposes designated:

3 25 For the operation of adult correctional institutions,

3 26 reimbursement of counties for certain confinement costs, and

3 27 federal prison reimbursement, to be allocated as follows:

3 28 a. For the operation of the Fort Madison correctional

3 29 facility, including salaries, support, maintenance, and

3 30 miscellaneous purposes:

3 31 \$ 43,008,741

3 32 b. For the operation of the Anamosa correctional facility,

3 33 including salaries, support, maintenance, and miscellaneous

3 34 purposes:

3 35 \$ 29,762,656

4 1 Moneys are provided within this appropriation for one full-

4 2 time substance abuse counselor for the Luster Heights

4 3 facility, for the purpose of certification of a substance

4 4 abuse program at that facility.

4 5 c. For the operation of the Oakdale correctional facility,

4 6 including salaries, support, maintenance, and miscellaneous

4 7 purposes:

4 8 \$ 54,703,304

4 9 d. For the operation of the Newton correctional facility,

4 10 including salaries, support, maintenance, and miscellaneous

4 11 purposes:

4 12 \$ 26,390,784

4 13 If the United States court of appeals or the United States

4 14 supreme court declares the value-based treatment program at

4 15 the Newton correctional facility to be unconstitutional, the

4 16 program shall be permitted to continue operating and

4 17 counseling inmates at the facility through donations made to

4 18 the program.

4 19 e. For the operation of the Mt. Pleasant correctional

4 20 facility, including salaries, support, maintenance, and

4 21 miscellaneous purposes:

4 22 \$ 25,384,926

4 23 f. For the operation of the Rockwell City correctional

4 24 facility, including salaries, support, maintenance, and

4 25 miscellaneous purposes:

4 26 \$ 8,706,242

4 27 g. For the operation of the Clarinda correctional

4 28 facility, including salaries, support, maintenance, and
4 29 miscellaneous purposes:
4 30 \$ 24,099,579
4 31 Moneys received by the department of corrections as
4 32 reimbursement for services provided to the Clarinda youth
4 33 corporation are appropriated to the department and shall be
4 34 used for the purpose of operating the Clarinda correctional
4 35 facility.

5 1 h. For the operation of the Mitchellville correctional
5 2 facility, including salaries, support, maintenance, and
5 3 miscellaneous purposes:
5 4 \$ 15,294,520

5 5 i. For the operation of the Fort Dodge correctional
5 6 facility, including salaries, support, maintenance, and
5 7 miscellaneous purposes:
5 8 \$ 28,407,564

5 9 j. For reimbursement of counties for temporary confinement
5 10 of work release and parole violators, as provided in sections
5 11 901.7, 904.908, and 906.17, and for offenders confined
5 12 pursuant to section 904.513:
5 13 \$ 1,199,954

5 14 k. For federal prison reimbursement, reimbursements for
5 15 out-of-state placements, and miscellaneous contracts:
5 16 \$ 241,293

5 17 2. The department of corrections shall use funds
5 18 appropriated in subsection 1 to continue to contract for the
5 19 services of a Muslim imam.

5 20 Sec. 4. DEPARTMENT OF CORRECTIONS == ADMINISTRATION.

5 21 1. There is appropriated from the general fund of the
5 22 state to the department of corrections for the fiscal year
5 23 beginning July 1, 2007, and ending June 30, 2008, the
5 24 following amounts, or so much thereof as is necessary, to be
5 25 used for the purposes designated:

5 26 a. For general administration, including salaries,
5 27 support, maintenance, employment of an education director to
5 28 administer a centralized education program for the
5 29 correctional system, and miscellaneous purposes:
5 30 \$ 4,855,626

5 31 (1) It is the intent of the general assembly that as a
5 32 condition of receiving the appropriation provided in this
5 33 lettered paragraph, the department of corrections shall not,
5 34 except as otherwise provided in subparagraph (3), enter into a
5 35 new contract, unless the contract is a renewal of an existing
6 1 contract, for the expenditure of moneys in excess of \$100,000
6 2 during the fiscal year beginning July 1, 2007, for the
6 3 privatization of services performed by the department using
6 4 state employees as of July 1, 2007, or for the privatization
6 5 of new services by the department, without prior consultation
6 6 with any applicable state employee organization affected by
6 7 the proposed new contract and prior notification of the co=
6 8 chairpersons and ranking members of the joint appropriations
6 9 subcommittee on the justice system.

6 10 (2) It is the intent of the general assembly that each
6 11 lease negotiated by the department of corrections with a
6 12 private corporation for the purpose of providing private
6 13 industry employment of inmates in a correctional institution
6 14 shall prohibit the private corporation from utilizing inmate
6 15 labor for partisan political purposes for any person seeking
6 16 election to public office in this state and that a violation
6 17 of this requirement shall result in a termination of the lease
6 18 agreement.

6 19 (3) It is the intent of the general assembly that as a
6 20 condition of receiving the appropriation provided in this
6 21 lettered paragraph, the department of corrections shall not
6 22 enter into a lease or contractual agreement pursuant to
6 23 section 904.809 with a private corporation for the use of
6 24 building space for the purpose of providing inmate employment
6 25 without providing that the terms of the lease or contract
6 26 establish safeguards to restrict, to the greatest extent
6 27 feasible, access by inmates working for the private
6 28 corporation to personal identifying information of citizens.

6 29 b. For educational programs for inmates at state penal
6 30 institutions:
6 31 \$ 2,070,358

6 32 It is the intent of the general assembly that moneys
6 33 appropriated in this lettered paragraph shall be used solely
6 34 for the purpose indicated and that the moneys shall not be
6 35 transferred for any other purpose. In addition, it is the
7 1 intent of the general assembly that the department shall
7 2 consult with the community colleges in the areas in which the
7 3 institutions are located to utilize moneys appropriated in

7 4 this lettered paragraph to fund the high school completion,
7 5 high school equivalency diploma, adult literacy, and adult
7 6 basic education programs in a manner so as to maintain these
7 7 programs at the institutions.

7 8 To maximize the funding for educational programs, the
7 9 department shall establish guidelines and procedures to
7 10 prioritize the availability of educational and vocational
7 11 training for inmates based upon the goal of facilitating an
7 12 inmate's successful release from the correctional institution.

7 13 The director of the department of corrections may transfer
7 14 moneys from Iowa prison industries for use in educational
7 15 programs for inmates.

7 16 Notwithstanding section 8.33, moneys appropriated in this
7 17 lettered paragraph that remain unobligated or unexpended at
7 18 the close of the fiscal year shall not revert but shall remain
7 19 available for expenditure only for the purpose designated in
7 20 this lettered paragraph until the close of the succeeding
7 21 fiscal year.

7 22 c. For the development of the Iowa corrections offender
7 23 network (ICON) data system:

7 24 \$ 427,700

7 25 d. For offender mental health and substance abuse
7 26 treatment:

7 27 \$ 25,000

7 28 e. For viral hepatitis prevention and treatment:

7 29 \$ 188,000

7 30 f. For a transitional housing pilot project for offenders
7 31 on parole who are in the early stages of recovery from
7 32 substance abuse:

7 33 \$ 20,000

7 34 The department of corrections shall contract with a private
7 35 nonprofit substance abuse treatment provider in a city with a
8 1 population exceeding sixty-five thousand but not exceeding
8 2 seventy thousand to implement the pilot project. The
8 3 department shall file a report with the co-chairpersons and
8 4 ranking members of the appropriations subcommittee on the
8 5 justice system and the legislative services agency by February
8 6 1, 2008, detailing the number of offenders served by the pilot
8 7 project, the recidivism rate, a description of the type of
8 8 services received by the offenders, and the number of prison
8 9 bed days saved by the pilot project.

8 10 2. It is the intent of the general assembly that the
8 11 department of corrections shall continue to operate the
8 12 correctional farms under the control of the department at the
8 13 same or greater level of participation and involvement as
8 14 existed as of January 1, 2007, shall not enter into any rental
8 15 agreement or contract concerning any farmland under the
8 16 control of the department that is not subject to a rental
8 17 agreement or contract as of January 1, 2007, without prior
8 18 legislative approval, and shall further attempt to provide job
8 19 opportunities at the farms for inmates. The department shall
8 20 attempt to provide job opportunities at the farms for inmates
8 21 by encouraging labor-intensive farming or gardening where
8 22 appropriate, using inmates to grow produce and meat for
8 23 institutional consumption, researching the possibility of
8 24 instituting food canning and cook-and-chill operations, and
8 25 exploring opportunities for organic farming and gardening,
8 26 livestock ventures, horticulture, and specialized crops.

8 27 3. The department of corrections shall submit a report to
8 28 the general assembly by January 1, 2008, concerning moneys
8 29 recouped from inmate earnings for the reimbursement of
8 30 operational expenses of the applicable facility during the
8 31 fiscal year beginning July 1, 2006, for each correctional
8 32 institution and judicial district department of correctional
8 33 services. In addition, each correctional institution and
8 34 judicial district department of correctional services shall
8 35 continue to submit a report to the legislative services agency
9 1 on a monthly basis concerning moneys recouped from inmate
9 2 earnings pursuant to sections 904.702, 904.809, and 905.14.

9 3 4. It is the intent of the general assembly that as a
9 4 condition of receiving the appropriation provided in
9 5 subsection 1, the department shall not enter into any
9 6 agreement with a private sector nongovernmental entity for the
9 7 purpose of housing inmates committed to the custody of the
9 8 director of the department, without express authorization of
9 9 the general assembly to do so.

9 10 Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL
9 11 SERVICES.

9 12 1. There is appropriated from the general fund of the
9 13 state to the department of corrections for the fiscal year
9 14 beginning July 1, 2007, and ending June 30, 2008, for the

9 15 treatment and supervision of probation and parole violators
 9 16 who have been released from the department of corrections
 9 17 violator program, the following amounts, or so much thereof as
 9 18 is necessary, to be allocated as follows:
 9 19 a. For the first judicial district department of
 9 20 correctional services:
 9 21 \$ 12,012,728
 9 22 b. For the second judicial district department of
 9 23 correctional services:
 9 24 \$ 9,526,073
 9 25 c. For the third judicial district department of
 9 26 correctional services:
 9 27 \$ 5,664,144
 9 28 d. For the fourth judicial district department of
 9 29 correctional services:
 9 30 \$ 5,054,664
 9 31 e. For the fifth judicial district department of
 9 32 correctional services, including funding for electronic
 9 33 monitoring devices for use on a statewide basis:
 9 34 \$ 17,115,974
 9 35 f. For the sixth judicial district department of
 10 1 correctional services:
 10 2 \$ 12,203,009

10 3 The sixth judicial district department of correctional
 10 4 services shall maintain a youth leadership model program to
 10 5 help at-risk youth. As a part of the program, the district
 10 6 department may recruit college or high school students in the
 10 7 judicial district to work with at-risk youth. The student
 10 8 workers shall be recruited regardless of gender and be
 10 9 recommended by their respective schools as good role models,
 10 10 including but not limited to students who possess capabilities
 10 11 in one or more of the following areas of ability: intellectual
 10 12 capacity, athletics, visual arts, or performing arts.

10 13 g. For the seventh judicial district department of
 10 14 correctional services:
 10 15 \$ 6,713,412
 10 16 h. For the eighth judicial district department of
 10 17 correctional services:
 10 18 \$ 6,794,585

10 19 2. Each judicial district department of correctional
 10 20 services, within the funding available, shall continue
 10 21 programs and plans established within that district to provide
 10 22 for intensive supervision, sex offender treatment, diversion
 10 23 of low-risk offenders to the least restrictive sanction
 10 24 available, job development, and expanded use of intermediate
 10 25 criminal sanctions.

10 26 3. Each judicial district department of correctional
 10 27 services shall provide alternatives to prison consistent with
 10 28 chapter 901B. The alternatives to prison shall ensure public
 10 29 safety while providing maximum rehabilitation to the offender.
 10 30 A judicial district department may also establish a day
 10 31 program.

10 32 4. The governor's office of drug control policy shall
 10 33 consider federal grants made to the department of corrections
 10 34 for the benefit of each of the eight judicial district
 10 35 departments of correctional services as local government
 11 1 grants, as defined pursuant to federal regulations.

11 2 5. The department of corrections shall continue to
 11 3 contract with a judicial district department of correctional
 11 4 services to provide for the rental of electronic monitoring
 11 5 equipment which shall be available statewide.

11 6 Sec. 6. DEPARTMENT OF CORRECTIONS == REALLOCATION OF
 11 7 APPROPRIATIONS. Notwithstanding section 8.39, within the
 11 8 funds appropriated in this Act to the department of
 11 9 corrections, the department may reallocate the funds
 11 10 appropriated and allocated as necessary to best fulfill the
 11 11 needs of the correctional institutions, administration of the
 11 12 department, and the judicial district departments of
 11 13 correctional services. However, in addition to complying with
 11 14 the requirements of sections 904.116 and 905.8 and providing
 11 15 notice to the legislative services agency, the department of
 11 16 corrections shall also provide notice to the department of
 11 17 management, prior to the effective date of the revision or
 11 18 reallocation of an appropriation made pursuant to this
 11 19 section. The department shall not reallocate an appropriation
 11 20 or allocation for the purpose of eliminating any program.

11 21 Sec. 7. INTENT == REPORTS.
 11 22 1. The department in cooperation with townships, the Iowa
 11 23 cemetery associations, and other nonprofit or governmental
 11 24 entities may use inmate labor during the fiscal year beginning
 11 25 July 1, 2007, to restore or preserve rural cemeteries and

11 26 historical landmarks. The department in cooperation with the
11 27 counties may also use inmate labor to clean up roads, major
11 28 water sources, and other water sources around the state.

11 29 2. Each month the department shall provide a status report
11 30 regarding private-sector employment to the legislative
11 31 services agency beginning on July 1, 2007. The report shall
11 32 include the number of offenders employed in the private
11 33 sector, the combined number of hours worked by the offenders,
11 34 and the total amount of allowances, and the distribution of
11 35 allowances pursuant to section 904.702, including any moneys
12 1 deposited in the general fund of the state.

12 2 Sec. 8. ELECTRONIC MONITORING REPORT. The department of
12 3 corrections shall submit a report on electronic monitoring to
12 4 the general assembly, to the co-chairpersons and the ranking
12 5 members of the joint appropriations subcommittee on the
12 6 justice system, and to the legislative services agency by
12 7 January 15, 2008. The report shall specifically address the
12 8 number of persons being electronically monitored and break
12 9 down the number of persons being electronically monitored by
12 10 offense committed. The report shall also include a comparison
12 11 of any data from the prior fiscal year with the current year.

12 12 Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

12 13 1. As used in this section, unless the context otherwise
12 14 requires, "state agency" means the government of the state of
12 15 Iowa, including but not limited to all executive branch
12 16 departments, agencies, boards, bureaus, and commissions, the
12 17 judicial branch, the general assembly and all legislative
12 18 agencies, institutions within the purview of the state board
12 19 of regents, and any corporation whose primary function is to
12 20 act as an instrumentality of the state.

12 21 2. State agencies are hereby encouraged to purchase
12 22 products from Iowa state industries, as defined in section
12 23 904.802, when purchases are required and the products are
12 24 available from Iowa state industries. State agencies shall
12 25 obtain bids from Iowa state industries for purchases of office
12 26 furniture during the fiscal year beginning July 1, 2007,
12 27 exceeding \$5,000 or in accordance with applicable
12 28 administrative rules related to purchases for the agency.

12 29 Sec. 10. STATE PUBLIC DEFENDER. There is appropriated
12 30 from the general fund of the state to the office of the state
12 31 public defender of the department of inspections and appeals
12 32 for the fiscal year beginning July 1, 2007, and ending June
12 33 30, 2008, the following amounts, or so much thereof as is
12 34 necessary, to be allocated as follows for the purposes
12 35 designated:

13 1 1. For salaries, support, maintenance, and miscellaneous
13 2 purposes, and for not more than the following full-time
13 3 equivalent positions:
13 4 \$ 20,845,271
13 5 FTEs 202.00

13 6 As a condition of receiving moneys under this subsection
13 7 the state public defender shall make recommendations about
13 8 containing the costs incurred by the office of the state
13 9 public defender and court-appointed attorneys for providing
13 10 legal representation of indigent persons. The state public
13 11 defender shall report the recommendations to the
13 12 co-chairpersons and ranking members of the joint
13 13 appropriations subcommittee on the justice system, and to the
13 14 legislative services agency by December 15, 2007.

13 15 2. For the fees of court-appointed attorneys for indigent
13 16 adults and juveniles, in accordance with section 232.141 and
13 17 chapter 815:

13 18 \$ 28,752,538

13 19 Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

13 20 1. There is appropriated from the general fund of the
13 21 state to the Iowa law enforcement academy for the fiscal year
13 22 beginning July 1, 2007, and ending June 30, 2008, the
13 23 following amount, or so much thereof as is necessary, to be
13 24 used for the purposes designated:

13 25 For salaries, support, maintenance, miscellaneous purposes,
13 26 including jailer training and technical assistance, and for
13 27 not more than the following full-time equivalent positions:
13 28 \$ 1,218,985
13 29 FTEs 30.05

13 30 It is the intent of the general assembly that the Iowa law
13 31 enforcement academy may provide training of state and local
13 32 law enforcement personnel concerning the recognition of and
13 33 response to persons with Alzheimer's disease.

13 34 The Iowa law enforcement academy may temporarily exceed and
13 35 draw more than the amount appropriated and incur a negative
14 1 cash balance as long as there are receivables equal to or

14 2 greater than the negative balance and the amount appropriated
14 3 in this subsection is not exceeded at the close of the fiscal
14 4 year.

14 5 2. The Iowa law enforcement academy may select at least
14 6 five automobiles of the department of public safety, division
14 7 of state patrol, prior to turning over the automobiles to the
14 8 department of administrative services to be disposed of by
14 9 public auction and the Iowa law enforcement academy may
14 10 exchange any automobile owned by the academy for each
14 11 automobile selected if the selected automobile is used in
14 12 training law enforcement officers at the academy. However,
14 13 any automobile exchanged by the academy shall be substituted
14 14 for the selected vehicle of the department of public safety
14 15 and sold by public auction with the receipts being deposited
14 16 in the depreciation fund to the credit of the department of
14 17 public safety, division of state patrol.

14 18 Sec. 12. BOARD OF PAROLE. There is appropriated from the
14 19 general fund of the state to the board of parole for the
14 20 fiscal year beginning July 1, 2007, and ending June 30, 2008,
14 21 the following amount, or so much thereof as is necessary, to
14 22 be used for the purposes designated:

14 23 For salaries, support, maintenance, miscellaneous purposes,
14 24 and for not more than the following full-time equivalent
14 25 positions:
14 26 \$ 1,177,849
14 27 FTEs 17.50

14 28 Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is
14 29 appropriated from the general fund of the state to the
14 30 department of public defense for the fiscal year beginning
14 31 July 1, 2007, and ending June 30, 2008, the following amounts,
14 32 or so much thereof as is necessary, to be used for the
14 33 purposes designated:

14 34 1. MILITARY DIVISION

14 35 For salaries, support, maintenance, miscellaneous purposes,
15 1 and for not more than the following full-time equivalent
15 2 positions:

15 3 \$ 6,003,767
15 4 FTEs 316.85

15 5 The military division may temporarily exceed and draw more
15 6 than the amount appropriated and incur a negative cash balance
15 7 as long as there are receivables of federal funds equal to or
15 8 greater than the negative balance and the amount appropriated
15 9 in this subsection is not exceeded at the close of the fiscal
15 10 year.

15 11 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

15 12 a. For salaries, support, maintenance, miscellaneous
15 13 purposes, and for not more than the following full-time
15 14 equivalent positions:

15 15 \$ 2,101,033
15 16 FTEs 35.00

15 17 b. For the Iowa civil air patrol:

15 18 \$ 100,000

15 19 It is the intent of the general assembly that the homeland
15 20 security and emergency management division work in conjunction
15 21 with the department of public safety, to the extent possible,
15 22 when gathering and analyzing information related to potential
15 23 domestic or foreign security threats, and when monitoring such
15 24 threats.

15 25 Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is
15 26 appropriated from the general fund of the state to the
15 27 department of public safety for the fiscal year beginning July
15 28 1, 2007, and ending June 30, 2008, the following amounts, or
15 29 so much thereof as is necessary, to be used for the purposes
15 30 designated:

15 31 1. For the department's administrative functions,
15 32 including the criminal justice information system, and for not
15 33 more than the following full-time equivalent positions:

15 34 \$ 4,097,900
15 35 FTEs 37.00

16 1 2. For the division of criminal investigation, including
16 2 the state's contribution to the peace officers' retirement,
16 3 accident, and disability system provided in chapter 97A in the
16 4 amount of 17 percent of the salaries for which the funds are
16 5 appropriated, to meet federal fund matching requirements, and
16 6 for not more than the following full-time equivalent
16 7 positions:

16 8 \$ 20,512,962
16 9 FTEs 287.50

16 10 The department of public safety, with the approval of the
16 11 department of management, may employ no more than two special
16 12 agents and four gaming enforcement officers for each

16 13 additional riverboat regulated after July 1, 2007, and one
16 14 special agent for each racing facility which becomes
16 15 operational during the fiscal year which begins July 1, 2007.
16 16 One additional gaming enforcement officer, up to a total of
16 17 four per riverboat, may be employed for each riverboat that
16 18 has extended operations to 24 hours and has not previously
16 19 operated with a 24-hour schedule. Positions authorized in
16 20 this paragraph are in addition to the full-time equivalent
16 21 positions otherwise authorized in this subsection.

16 22 3. For the criminalistics laboratory fund created in
16 23 section 691.9:

16 24 \$ 342,000

16 25 4. a. For the division of narcotics enforcement,
16 26 including the state's contribution to the peace officers'
16 27 retirement, accident, and disability system provided in
16 28 chapter 97A in the amount of 17 percent of the salaries for
16 29 which the funds are appropriated, to meet federal fund
16 30 matching requirements, and for not more than the following
16 31 full-time equivalent positions:

16 32 \$ 5,963,415

16 33 FTEs 87.00

16 34 b. For the division of narcotics enforcement for
16 35 undercover purchases:

17 1 \$ 123,343

17 2 5. a. For the division of state fire marshal, including
17 3 the state's contribution to the peace officers' retirement,
17 4 accident, and disability system provided in chapter 97A in the
17 5 amount of 17 percent of the salaries for which the funds are
17 6 appropriated, and for not more than the following full-time
17 7 equivalent positions:

17 8 \$ 3,157,454

17 9 FTEs 44.00

17 10 b. For the division of state fire marshal, for fire
17 11 protection services as provided through the state fire service
17 12 and emergency response council as created in the department,
17 13 and for not more than the following full-time equivalent
17 14 positions:

17 15 \$ 804,110

17 16 FTEs 10.00

17 17 6. For the division of state patrol, for salaries,
17 18 support, maintenance, workers' compensation costs, and
17 19 miscellaneous purposes, including the state's contribution to
17 20 the peace officers' retirement, accident, and disability
17 21 system provided in chapter 97A in the amount of 17 percent of
17 22 the salaries for which the funds are appropriated, and for not
17 23 more than the following full-time equivalent positions:

17 24 \$ 48,126,059

17 25 FTEs 533.00

17 26 It is the intent of the general assembly that members of
17 27 the state patrol be assigned to patrol the highways and roads
17 28 in lieu of assignments for inspecting school buses for the
17 29 school districts.

17 30 7. For deposit in the sick leave benefits fund established
17 31 under section 80.42, for all departmental employees eligible
17 32 to receive benefits for accrued sick leave under the
17 33 collective bargaining agreement:

17 34 \$ 316,179

17 35 8. For costs associated with the training and equipment
18 1 needs of volunteer fire fighters:

18 2 \$ 699,587

18 3 Notwithstanding section 8.33, moneys appropriated in this
18 4 subsection that remain unencumbered or unobligated at the
18 5 close of the fiscal year shall not revert but shall remain
18 6 available for expenditure only for the purpose designated in
18 7 this subsection until the close of the succeeding fiscal year.

18 8 Notwithstanding section 8.39, within the funds appropriated
18 9 in this section the department of public safety may reallocate
18 10 funds as necessary to best fulfill the needs provided for in
18 11 the appropriation. However, the department shall not
18 12 reallocate an appropriation made to the department in this
18 13 section unless notice of the reallocation is given to the
18 14 legislative services agency and the department of management
18 15 prior to the effective date of the reallocation. The notice
18 16 shall include information about the rationale for reallocating
18 17 the appropriation. The department shall not reallocate an
18 18 appropriation made in this section for the purpose of
18 19 eliminating any program.

18 20 Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated
18 21 from the general fund of the state to the Iowa state civil
18 22 rights commission for the fiscal year beginning July 1, 2007,
18 23 and ending June 30, 2008, the following amount, or so much

18 24 thereof as is necessary, to be used for the purposes
18 25 designated:

18 26 For salaries, support, maintenance, miscellaneous purposes,
18 27 and for not more than the following full-time equivalent
18 28 positions:

18 29 \$ 1,412,647
18 30 FTEs 29.00

18 31 The Iowa state civil rights commission may enter into a
18 32 contract with a nonprofit organization to provide legal
18 33 assistance to resolve civil rights complaints.

18 34 Sec. 16. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
18 35 DIVISION == 211 PROGRAM. There is appropriated from the

19 1 wireless E911 emergency communications fund in section 34A.7A
19 2 to the homeland security and emergency management division of
19 3 the department of public defense for the fiscal year beginning
19 4 July 1, 2007, and ending June 30, 2008, the following amount,
19 5 or so much thereof as is necessary, to be used for the
19 6 purposes designated:

19 7 For a grant to be determined by the division administrator,
19 8 for a nonprofit organization exempt from federal income tax
19 9 under section 501(c), of the federal Internal Revenue Code
19 10 that is capable of operating 211 program call centers on a
19 11 statewide basis for community information and referral
19 12 services:

19 13 \$ 500,000

19 14 Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT
19 15 DIVISION. There is appropriated from the wireless E911
19 16 emergency communications fund created in section 34A.7A to the
19 17 administrator of the homeland security and emergency
19 18 management division of the department of public defense for
19 19 the fiscal year beginning July 1, 2007, and ending June 30,
19 20 2008, an amount not exceeding \$200,000 to be used for
19 21 implementation, support, and maintenance of the functions of
19 22 the administrator and program manager under chapter 34A and to
19 23 employ the auditor of the state to perform an annual audit of
19 24 the wireless E911 emergency communications fund.

19 25 Sec. 18. IOWA LAW ENFORCEMENT ACADEMY == FEES.
19 26 Notwithstanding section 80B.11B, the Iowa law enforcement
19 27 academy may charge more than one-half the cost of providing
19 28 the basic training course if a majority of the Iowa law
19 29 enforcement academy council authorizes charging more than one=
19 30 half of the cost of providing basic training. This section is
19 31 repealed on June 30, 2008.

19 32 Sec. 19. NEW SECTION. 553.19 ANTITRUST FUND.

19 33 1. An antitrust fund is created as a separate fund in the
19 34 state treasury to be administered by the attorney general.
19 35 Moneys credited to the fund shall include amounts received as
20 1 a result of a state or federal civil antitrust judgment or
20 2 settlement which are based on damages sustained by the state,
20 3 civil penalties, costs, or attorney fees, and amounts which
20 4 are specifically directed to the credit of the fund by the
20 5 judgment or settlement, and amounts which are designated by
20 6 the judgment or settlement for use by the attorney general for
20 7 antitrust enforcement or education. Amounts based upon
20 8 damages sustained by individuals or entities outside of state
20 9 government not designated for antitrust enforcement purposes
20 10 or amounts based upon actual damages awarded to the state
20 11 which would not otherwise be deposited in the general fund of
20 12 the state shall not be credited to the fund.

20 13 2. For each fiscal year, not more than five hundred
20 14 thousand dollars is appropriated from the fund to the
20 15 department of justice to be used for enforcement of this
20 16 chapter and chapter 551, and for enforcement of federal
20 17 antitrust laws and for public education about state and
20 18 federal antitrust laws.

20 19 3. Notwithstanding section 8.33, moneys credited to the
20 20 fund shall not revert to any other fund. Notwithstanding
20 21 section 12C.7, interest or earnings on the moneys in the fund
20 22 shall be credited to the fund.

20 23 Sec. 20. NEW SECTION. 714.16C CONSUMER EDUCATION AND
20 24 LITIGATION FUND.

20 25 1. A consumer education and litigation fund is created as
20 26 a separate fund in the state treasury to be administered by
20 27 the attorney general. Moneys credited to the fund shall
20 28 include amounts received as a result of a state or federal
20 29 civil consumer fraud judgment or settlement, civil penalties,
20 30 costs, or attorney fees, and amounts which are specifically
20 31 directed to the credit of the fund by the judgment or
20 32 settlement, and amounts which are designated by the judgment
20 33 or settlement for use by the attorney general for consumer
20 34 litigation or education purposes. Moneys designated for

20 35 consumer reimbursement shall not be credited to the fund,
21 1 except to the extent that such moneys are permitted to be used
21 2 for enforcement of section 714.16.
21 3 2. For each fiscal year, not more than one million one
21 4 hundred twenty-five thousand dollars is appropriated from the
21 5 fund to the department of justice to be used for public
21 6 education relating to consumer fraud and for enforcement of
21 7 section 714.16 and federal consumer laws, and not more than
21 8 seventy-five thousand dollars is appropriated from the fund to
21 9 the department of justice to be used for investigation,
21 10 prosecution, and consumer education relating to consumer and
21 11 criminal fraud committed against older Iowans.

21 12 3. Notwithstanding section 8.33, moneys credited to the
21 13 fund shall not revert to any other fund. Notwithstanding
21 14 section 12C.7, interest or earnings on the moneys in the fund
21 15 shall be credited to the fund.

21 16 Sec. 21. NEW SECTION. 455B.112A ENVIRONMENTAL CRIMES
21 17 INVESTIGATION AND PROSECUTION FUND.

21 18 1. An environmental crimes investigation and prosecution
21 19 fund is created as a separate fund in the state treasury to be
21 20 administered by the attorney general. Moneys credited to the
21 21 fund shall include court-ordered fines and restitution awarded
21 22 to the attorney general as part of a judgment in an
21 23 environmental criminal case.

21 24 2. For each fiscal year not more than twenty thousand
21 25 dollars is appropriated from the fund to the department of
21 26 justice to be used for the investigation and prosecution of
21 27 environmental crimes, including the reimbursement of expenses
21 28 incurred by county, municipal, and other local government
21 29 agencies cooperating with the attorney general in the
21 30 investigation and prosecution of environmental crimes.

21 31 3. Not more than twenty thousand dollars shall be credited
21 32 to the fund in a fiscal year and any moneys in excess of this
21 33 amount shall be credited to the general fund of the state.

21 34 4. Notwithstanding section 8.33, moneys credited to the
21 35 fund shall not revert to any other fund. Notwithstanding
22 1 section 12C.7, interest or earnings deposited in the fund
22 2 shall be credited to the fund.

22 3 EXPLANATION

22 4 This bill makes appropriations for fiscal year 2007=2008
22 5 from the general fund of the state to the departments of
22 6 justice, corrections, public defense, and public safety, and
22 7 the Iowa law enforcement academy, office of consumer advocate,
22 8 office of the state public defender, board of parole, and Iowa
22 9 state civil rights commission.

22 10 The bill appropriates moneys from the wireless E911
22 11 emergency communications fund to the homeland security and
22 12 emergency management division for a grant to a nonprofit
22 13 agency to operate a 211 program.

22 14 The bill also appropriates moneys, not to exceed \$200,000,
22 15 from the wireless E911 emergency communications fund to the
22 16 homeland security and emergency management division for
22 17 implementation, support, and maintenance of the functions of
22 18 the administrator and program manager of the E911 emergency
22 19 system.

22 20 The bill establishes an antitrust fund in new Code section
22 21 553.19 as a separate fund in the state treasury to be
22 22 administered by the attorney general. The bill provides that
22 23 moneys credited to the fund shall include amounts received as
22 24 a result of a state or federal civil antitrust judgment or
22 25 settlement which are based on damages sustained by the state,
22 26 civil penalties, costs, or attorney fees, and amounts which
22 27 are specifically directed to the credit of the fund by the
22 28 judgment or settlement, and amounts which are designated by
22 29 the judgment or settlement for use by the attorney general for
22 30 antitrust enforcement or education. The bill provides that
22 31 not more than \$500,000 is appropriated from the fund to the
22 32 department of justice to be used in antitrust enforcement.

22 33 Under current law, the funds appropriated from the general
22 34 fund of the state to the department of justice for antitrust
22 35 enforcement reoccur in session law each year and are
23 1 contingent upon the general fund of the state receiving an
23 2 amount at least equal to the amount received by the state or
23 3 political subdivision of the state by an antitrust enforcement
23 4 judgment or settlement, and the funds appropriated to the
23 5 department for antitrust enforcement are not to exceed
23 6 \$200,000.

23 7 The bill establishes a consumer education and litigation
23 8 fund in new Code section 714.16C as a separate fund in the
23 9 state treasury to be administered by the attorney general.
23 10 The bill provides that moneys credited to the fund include

23 11 amounts received as a result of a state or federal civil
23 12 consumer fraud judgment or settlement, civil penalties, costs,
23 13 or attorney fees, and amounts which are specifically directed
23 14 to the credit of the fund by the judgment or settlement, and
23 15 amounts which are specifically directed to the credit of the
23 16 fund by the judgment or settlement, and amounts which are
23 17 designated by the judgment or settlement for use by the
23 18 attorney general for consumer litigation or education
23 19 purposes. The bill provides that not more than \$1,125,000 is
23 20 appropriated from the fund to the department of justice for
23 21 consumer fraud education and enforcement, and not more than
23 22 \$75,000 is appropriated from the fund to the department for
23 23 education, investigation, and prosecution relating to consumer
23 24 and criminal fraud against older Iowans.

23 25 Under current law, the funds appropriated to the department
23 26 of justice for consumer fraud reoccur in session law each year
23 27 and are contingent upon the general fund of the state
23 28 receiving an amount at least equal to the amount received by
23 29 the state or political subdivision of the state through a
23 30 fraud judgment or settlement.

23 31 The bill establishes an environmental crimes investigation
23 32 and prosecution fund in new Code section 455B.112A as a
23 33 separate fund in the state treasury to be administered by the
23 34 attorney general. Moneys credited to the fund include
23 35 court-ordered fines and restitution awarded to the attorney
24 1 general as part of a judgment in an environmental criminal
24 2 case. The bill provides that not more than \$20,000 is
24 3 appropriated from the fund to the department of justice to be
24 4 used for the investigation and prosecution of environmental
24 5 crimes. The bill provides that not more than \$20,000 shall be
24 6 credited to the fund in a fiscal year and any moneys in excess
24 7 of this amount shall be credited to the general fund of the
24 8 state.

24 9 Under current law, the funds appropriated to the department
24 10 of justice reoccur in session law each year and are contingent
24 11 upon the environmental crime fund receiving an amount at least
24 12 equal to the contributions, court-ordered restitution as part
24 13 of judgments, and consent decrees entered as part of an
24 14 environmental enforcement action.

24 15 The bill addresses Code section 80B.11B to provide that for
24 16 FY 2007=2008 the Iowa law enforcement academy may charge a
24 17 department of the state, a member of a police force, or any
24 18 political subdivision of the state more than one-half of the
24 19 cost to provide the basic training course for a law
24 20 enforcement officer, provided a majority of the Iowa law
24 21 enforcement council approves such a charge. Current law
24 22 prohibits the Iowa law enforcement academy from charging more
24 23 than one-half of the cost of providing the basic training
24 24 course.

24 25 The bill provides that the department of corrections may
24 26 reallocate appropriated funds between the institutions of the
24 27 department of corrections, the department's administration,
24 28 and the judicial district departments of correctional
24 29 services. The bill provides the department, prior to the
24 30 effective date of any reallocation, must provide notice to the
24 31 department of management, the legislative services agency, and
24 32 the district board of any judicial district department of
24 33 correctional services affected by the reallocation.

24 34 The bill provides that the department of public safety may
24 35 also reallocate the funds appropriated to the department
25 1 between the divisions of the department. The bill provides
25 2 that the department, prior to the effective date of any
25 3 reallocation, must provide notice of the reallocation to the
25 4 department of management and the legislative services agency.

25 5 The bill permits a value-based treatment program to
25 6 continue to operate at the Newton correctional facility if the
25 7 program is declared unconstitutional if the program is funded
25 8 through donations.

25 9 The bill requires the attorney general to establish a pilot
25 10 project with a nonprofit agency in the sixth judicial district
25 11 that focuses primarily on the representation of children in
25 12 dissolution of marriage proceedings.

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25 14 jm:jp/je/5